

ue of such suits shall be in Travis County, Texas; providing for the recovery of judgment against the State in the event of proof of negligence in a court of competent jurisdiction; and declaring an emergency."

Referred to Committee of State Affairs.

Senator Kelley moved that the rule relative to the introduction of bills after the first 60 days of the Regular Session of the Legislature be suspended to permit his introducing a general bill at this time.

The motion prevailed by the following vote:

Yeas—29

Aikin	Moffett
Beck	Moore
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Spears
Hardin	Stone
Head	of Galveston
Hill	Stone
Isbell	of Washington
Kelley	Sulak
Lanning	Van Zandt
Lemens	Weinert
Martin	Winfield
Metcalf	

Absent—Excused

Nelson	Small
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The following bill then was introduced, read first time, and referred to the committee indicated:

By Senator Kelley:

S. B. No. 417, A bill to be entitled "An Act authorizing incorporated cities, towns or villages, Independent School Districts, Common School Districts, Drainage Districts, Water Control and Improvement Districts, Water Improvement Districts or Navigation Districts in this State to avail themselves of the services of County Tax Assessors and Collectors; providing for assessment at the same valuation as used for county and state purposes; fixing the compensation of said County Officers for said services; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

Referred to Committee on Mining, Irrigation and Drainage.

Senator Pace moved that the rule

relative to the introduction of bills after the first 60 days of the Regular Session of the Legislature be suspended to permit his introducing a general bill at this time.

The motion prevailed by the following vote:

Yeas—29

Aikin	Moffett
Beck	Moore
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Spears
Hardin	Stone
Head	of Galveston
Hill	Stone
Isbell	of Washington
Kelley	Sulak
Lanning	Van Zandt
Lemens	Weinert
Martin	Winfield
Metcalf	

Absent—Excused

Nelson	Small
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The following bill then was introduced, read first time, and referred to the committee indicated:

By Senator Pace:

S. B. No. 418, A bill to be entitled "An Act authorizing the Game, Fish and Oyster Commission to acquire by purchase lands, water rights, easements, right of ways and property of any person in this State; providing for the acquiring of lands, water rights, easements, right of ways and property of any person or corporation by condemnation proceedings; providing the manner and method of such condemnation proceedings; providing for the payment of damages and costs, and declaring an emergency."

Referred to Committee on Game and Fish.

Recess

On motion of Senator Collie, the Senate, at 5:15 o'clock p. m., took recess to 10:00 o'clock a. m. tomorrow.

FORTY-THIRD DAY

(Continued)

(Wednesday, March 29, 1939)

The Senate met at 10:00 o'clock a. m., and was called to order by President Stevenson.

Leave of Absence Granted

Senator Lemens was granted leave of absence for this morning on account of illness, on motion of Senator Isbell.

Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas, March 29, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

S. C. R. No. 27, Suspending Joint Rules of the House and Senate for the purpose of further consideration of S. J. R. 12 (with amendments).

The House has concurred in Senate amendments to H. B. No. 687 by a vote of 124 yeas, 0 noes.

The House has passed the following bill:

H. B. No. 851, A bill to be entitled "An Act amending Section 20 of Chapter 76 of the Acts of the Forty-fourth Legislature, Regular Session of 1935, as amended by Section 1 of Chapter 15 of the Acts of the Forty-fifth Legislature, Regular Session of 1937, so as to provide for the termination of the Act on September 1, 1941; providing all other Sections of the Act shall remain in full force and effect; providing all offenses, liabilities, penalties or forfeitures, civil or criminal incurred because of violation of said Act shall be instituted and proceeded with in all respects as if said Section 20 had read in its original enactment the same as provided for in this Act; providing the procedure prescribed in said Chapter 76 shall be followed in all prosecutions and suits now pending or hereafter instituted, and declaring an emergency."

Respectfully submitted,

E. R. LINDLEY, Chief Clerk,
House of Representatives.

Senate Concurrent Resolution 27 with House Amendments

Senator Weinert called up Senate Concurrent Resolution No. 27 from the President's table, for considera-

tion of the House amendment to the resolution.

The President laid the resolution before the Senate, and the House amendment was read.

Question—Shall the Senate concur in the House amendment?

The Senate concurred in the House amendment.

Reports of Standing Committees

Senator Pace, by unanimous consent, submitted at this time the following reports of the Committee on Mining, Irrigation and Drainage:

Austin, Texas,
March 28, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

S. B. No. 417, A bill to be entitled "An Act authorizing incorporated cities, towns or villages, Independent School Districts, Common School Districts, Drainage Districts, Water Control and Improvement Districts, Water Improvement Districts or Navigation Districts in this State to avail themselves of the services of County Tax Assessors and Collectors; providing for assessment at the same valuation as used for county and state purposes; etc., and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PACE, Chairman.

Austin, Texas,
March 29, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

H. B. No. 685, A bill to be entitled "An Act to amend Section 22, Acts 1935, Forty-fourth Legislature, First Called Session, Page 1660, Chapter 427, creating the Nueces River Conservation and Reclamation District; and declaring an emergency,"

Have had same under consideration, and we wish to report it back to

the Senate with the recommendation that it do pass and be not printed.

PACE, Chairman.

Senator Roberts, by unanimous consent, submitted at this time the following report of the Committee on Counties and County Boundaries:

Austin, Texas,
March 29, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

S. B. No. 408, A bill to be entitled "An Act creating and establishing Jackson County Road District Number Eleven in Jackson County, Texas, under Article III, Section 52 of the Constitution for the purpose of the construction, operation, and maintenance of macadamized, graveled, or paved roads, or turnpikes, or in aid thereof; describing the territory included therein; making the District a body corporate with authority to sue and be sued; authorizing the District to issue bonds upon two-thirds vote of the qualified electors who own taxable property in said District and have duly rendered the same for taxation voting at an election; prescribing the method of calling and conducting such election, and the method of issuing said bonds; directing the levy, assessment, and collection of a tax for the payment of principal and interest of said bonds; providing for the custody and disbursement of the funds of the District; providing that in awarding contracts for road construction the Commissioners' Court shall advertise for bids and shall award the contract to the lowest and best bidder; providing that the fact that portions of the District hereby created are also included in other road districts having outstanding bonds shall not affect the District hereby created or its powers hereby granted, etc., and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass and be not printed.

HARDIN, Chairman.

Senator Aikin, by unanimous consent, submitted at this time the following report of the Committee on Education:

Austin, Texas,
March 29, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

H. B. No. 812, A bill to be entitled "An Act providing the amount of traveling and office expenses that shall be allowed by the County Board of Trustees to the County Superintendent of Instruction for the expenditures for traveling and office expenses in certain counties, according to the last preceding Federal Census; repealing all laws and parts of laws in conflict herewith to the extent of the conflict only; and declaring an emergency,"

Have had the same under consideration, and we wish to report it back to the Senate with the recommendation that it do pass and be not printed.

AIKIN, Chairman.

Austin, Texas,
March 29, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

S. B. No. 412, A bill to be entitled "An Act providing for rural school supervisor in counties having a population of not less than two thousand seven hundred fifty (2,750) and not more than three thousand (3,000) inhabitants according to the last preceding Federal Census, in lieu of Teacher's Institutes; prescribing the duties of said supervisor; providing for visits to schools of the county and work in cooperation with teachers; prescribing the salary of said supervisor and how he shall be paid; providing other things incidental to said purpose; and declaring an emergency,"

Have had same under consideration, and we wish to report it back to the Senate with the recommendation that it do pass and be not printed.

AIKIN, Chairman.

Senator Van Zandt, by unanimous consent, submitted at this time the following report of the Committee on Civil Jurisprudence:

Austin, Texas,
March 29, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 565, A bill to be entitled "An Act to amend Section 3, of Chapter 506, of the General Laws of the State of Texas, passed at the Regular Session of the Forty-fifth Legislature providing for parties and procedure in tax suits; and providing for persons owning property or an interest therein whose names are unknown to be made parties in such suits under designation of "Unknown Owner or Owners" of such property; providing for heirs of deceased persons whose names are unknown to be made parties to such suits under designation of "Unknown Heirs" of such deceased person; providing for citation and service upon defendants in such suits whose residence is known and upon absent and nonresident defendants; . . . etc.; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

VAN ZANDT, Chairman.

Austin, Texas,
March 29, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 720, A bill to be entitled "An Act to amend Article 4595, Title 73 of the Revised Civil Statutes of Texas, 1925, relating to sales to satisfy liens of hotel and boarding house proprietors and inn-keepers; repealing all laws and parts of laws in conflict; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed with the attached committee amendment.

VAN ZANDT, Chairman.

Austin, Texas,
March 29, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 719, A bill to be entitled "An Act to amend Article 6085 of Ti-

tle 104 of the Revised Civil Statutes of Texas of 1925, relating to the publication of citation where defendant is unknown; repealing all laws and parts of laws in conflict; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed with the attached committee amendment.

VAN ZANDT, Chairman.

Austin, Texas,
March 29, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 49, A bill to be entitled "An Act amending Articles 3704, 3705, 3706, 3707, 3709, 3711 and 3738 of the Revised Civil Statutes of Texas, of 1925, etc., and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

VAN ZANDT, Chairman.

Austin, Texas,
March 29, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 208, A bill to be entitled "An Act to amend Article 5513 of the Revised Civil Statutes of Texas by adding thereto a proviso to the effect that the defense of innocent purchaser shall be available against such litigation claims and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

VAN ZANDT, Chairman.

Senator Brownlee, by unanimous consent, submitted at this time the following report of the Committee on Highways and Motor Traffic:

Austin, Texas,
March 29, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

S. B. No. 415, A bill to be entitled "An Act to amend Chapter 1, Title 116 of the Revised Civil Statutes of Texas, 1925, by adding thereto a new section to be known and referred to as Article 6673-b providing that the State Highway Commission be authorized and empowered in its discretion to enter into contracts or agreements with the governing bodies of incorporated cities, towns, and villages relative to the location, relocation, construction, reconstruction, maintenance, control, supervision, and regulation of designated State highways within or through the corporate limits of such incorporated cities, towns, and villages, and fixing liabilities of the parties; providing authority to such incorporated cities, towns, and villages to enter into such contracts or agreements with the State Highway Commission; providing that this act shall be cumulative of other laws; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

BROWNLEE, Chairman.

Senator Moore, by unanimous consent, submitted at this time the following reports of the Committee on Game and Fish:

Austin, Texas,
March 29, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 683, A bill to be entitled "An Act defining a commercial fisherman; providing for the granting of a commercial fisherman's license; providing for the payment of fees; defining a citizen of the State of Texas for the purpose of the Act; providing for non-resident commercial fisherman's license and fixing the fee therefor; specifying boundary lines within which commercial fishermen may fish; providing a penalty for violation of the Act; providing for maintenance

of a boat now utilized by the Commission to be used in the enforcement of the Act; providing for the disposition of funds collected under this Act; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute do pass in lieu thereof and be printed.

MOORE, Chairman.

Austin, Texas,
March 29, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

S. B. No. 413, A bill to be entitled "An Act making it unlawful to take fish or shrimp except with certain prescribed tackle in certain waters of Corpus Christi Bay, Nueces County, Texas; providing a penalty for violation of any provision of the Act; providing for disposition of tackle illegally used, repealing all laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and we wish to report it back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman.

Senate Resolution 47

On motion of Senator Collie and by unanimous consent, the regular order of business was suspended, to permit consideration of S. R. No. 47 at this time.

The President laid before the Senate, for consideration at this time (the resolution having been reported favorably by the Committee on Rules on Tuesday, March 28, 1939):

S. R. No. 47, Relative to consideration of local and non-contested bills and the preparation by a special committee of a calendar of said bills.

The resolution was read.

Senator Spears offered the following amendment to the resolution:

"Provided further that said local and non-contested bills shall not be placed on the regular Senate calendar."

The amendment was adopted.

The resolution as amended was adopted.

**Committee Substitute for Senate
Joint Resolution 12 on En-
grossment**

The Senate resumed consideration of pending business, same being Committee Substitute for S. J. R. No. 12, relative to the levy and collection of taxes for social security purposes, on its passage to engrossment; with amendment by Senator Aikin as substituted by an amendment by Senator Van Zandt pending.

Question—Shall the amendment as substituted be adopted?

Senator Aikin offered the following amendment to the amendment:

Amend Van Zandt substitute by adding after the word "price" in the last line of sub-section 1 of Section 2 the following: "except food for human consumption, which shall be exempt from this tax."

AIKIN,
HILL,
SULAK.

Yeas and nays were demanded, and the amendment to the amendment was adopted by the following vote:

Yeas—14

Aikin	Metcalf
Brownlee	Moffett
Burns	Moore
Collie	Shivers
Head	Stone
Hill	of Galveston
Isbell	Sulak
Lanning	

Nays—13

Cotten	Redditt
Graves	Roberts
Hardin	Spears
Kelley	Van Zandt
Martin	Weinert
Nelson	Winfield
Pace	

Absent

Beck	Stone
	of Washington

Paired

Senator Small (present), who would vote "nay" with Senator Lemens (absent), who would vote "yea."

Senator Spears offered the following amendment to the amendment:

Amend Van Zandt amendment to S. J. R. No. 12 as follows:

Add to the end of paragraph — the following: "The taxes levied by the adoption of this Resolution shall automatically expire on January 1, 1943, unless the qualified electors shall re-adopt the Constitutional Amendment at the General Election in the year 1942. At said General Election the question of repealing the amendment to the Constitution shall be submitted in the following manner:

"For repeal of Section 51-B of Article 3 of Constitution as adopted in the year 1939."

"Against repeal of Section 51-B of Article 3 of Constitution of Texas as adopted in year 1939."

"In the event the majority of the votes cast at said election favor repeal, the amendment to the Constitution shall be eliminated therefrom. In the event the majority of the votes cast are opposed to repeal, then the amendment as adopted in 1939 shall for all purposes be and remain in effect."

Yeas and nays were demanded, and the amendment to the amendment was adopted by the following vote:

Yeas—25

Aikin	Metcalf
Brownlee	Moffett
Burns	Moore
Collie	Nelson
Cotten	Pace
Graves	Redditt
Hardin	Roberts
Head	Spears
Hill	Stone
Isbell	of Galveston
Kelley	Sulak
Lanning	Van Zandt
Martin	Winfield

Nays—3

Shivers	Weinert
Small	

Absent

Beck	Stone
	of Washington

Absent—Excused

Lemens

Senator Hill offered the following amendment to the amendment:

Amend Van Zandt amendment to S. J. R. No. 12 by striking out all of the first paragraph of Section 5 thereof and renumbering subsection (1) thereof so that it will hereafter be Section 5.

Senator Van Zandt moved to table the amendment to the amendment.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

Yeas—11

Beck	Roberts
Collie	Small
Martin	Van Zandt
Moffett	Weinert
Pace	Winfield
Redditt	

Nays—16

Aikin	Lanning
Brownlee	Metcalf
Burns	Nelson
Cotten	Spears
Graves	Stone
Hardin	of Galveston
Head	Stone
Hill	of Washington
Isbell	Sulak

Absent

Kelley	Shivers
Moore	

Absent—Excused

Lemens

The amendment to the amendment was adopted.

Senator Hill offered the following amendment to the amendment:

Amend Van Zandt amendment to S. J. R. No. 12 by striking out all of Section 6 thereof and renumber the following sections.

(Senator Redditt in the Chair.)

Senator Van Zandt offered the following substitute for the amendment to the amendment:

Amend Sec. 6 by adding thereto the following: "nor shall any city or county be denied the right to levy such occupation taxes as are now authorized under the Constitution on peddlers, itinerant merchants, pawnbrokers, places of amusement, and athletic contests, and as may hereafter be permitted or provided by

law on the hereinbefore named occupations."

(President in the Chair.)

By unanimous consent, the substitute for the amendment to the amendment and the amendment to the amendment were withdrawn.

Senator Spears offered the following amendment to the amendment:

Amend Section 6, S. J. R. No. 12, page 7, by striking out all of said Section 6 and substitute in lieu thereof the following:

"No city or other political subdivision of the State by virtue of its taxing power, police power, or otherwise shall ever levy a sales tax in any manner or form similar to the one levied herein."

The amendment to the amendment was adopted.

Senator Burns offered the following amendment to the amendment:

Amend Van Zandt amendment to S. J. R. No. 12 by adding after subsection (5) of Section 2, a new subsection to be numbered, (6) reading as follows:

"Transportation charges collected by all common carriers, contract carriers and commodity carriers where such charge is in excess of Twenty-five (25c) Cents, the tax shall be One (1c) Cent for each Fifty (50c) Cents or fractional part thereof in excess of Twenty-five (25c) Cents." and renumber the other sub-sections accordingly.

Yeas and nays were demanded, and the amendment to the amendment was lost by the following vote:

Yeas—13

Aikin	Roberts
Beck	Shivers
Burns	Small
Hill	Spears
Lanning	Weinert
Pace	Winfield
Redditt	

Nays—16

Brownlee	Moffett
Collie	Moore
Cotten	Nelson
Graves	Stone
Hardin	of Galveston
Head	Stone
Kelley	of Washington
Martin	Sulak
Metcalf	Van Zandt

Absent

Isbell

Absent—Excused

Lemens

Senator Collie offered the following amendment to the amendment:

Amend the pending amendment to S. J. R. No. 12 by striking out all of the second sentence of sub-section 4 of Section 1 and insert in lieu thereof the following:

"The amount of old age assistance granted by the State shall in each case be paid to recipients upon the basis of equal and uniform amounts, provided that in no case shall the amount to be paid out of the State Funds exceed Fifteen Dollars (\$15.00) per month."

Yeas and nays were demanded, and the amendment to the amendment was lost by the following vote:

Yeas—12

Aikin	Hardin
Beck	Hill
Brownlee	Lanning
Burns	Metcalf
Collie	Spears
Graves	Sulak

Nays—17

Cotten	Shivers
Head	Small
Isbell	Stone
Kelley	of Galveston
Martin	Stone
Moore	of Washington
Nelson	Van Zandt
Pace	Weinert
Redditt	Winfield
Roberts	

Absent

Moffett

Absent—Excused

Lemens

Senator Nelson offered the following amendment to the amendment:

Amend Van Zandt amendment to S. J. R. No. 12 by adding after Sub-section 3, page 2, by adding a new section to read as follows:

"All farm machinery actually used for the purpose of cultivating the soil shall be exempt from the tax herein levied."

NELSON,
MOFFETT.

Yeas and nays were demanded, and the amendment to the amendment was lost by the following vote:

Yeas—9

Aikin	Metcalf
Head	Moffett
Hill	Moore
Kelley	Nelson
Lanning	

Nays—20

Beck	Roberts
Brownlee	Small
Burns	Spears
Collie	Stone
Cotten	of Galveston
Graves	Stone
Hardin	of Washington
Isbell	Sulak
Martin	Van Zandt
Pace	Weinert
Redditt	Winfield

Absent

Shivers

Absent—Excused

Lemens

Senator Sulak moved to reconsider the vote by which the amendment of Senator Burns (relating to a tax on transportation charges) was lost.

The motion to reconsider prevailed by the following vote:

Yeas—15

Aikin	Pace
Beck	Redditt
Burns	Roberts
Hardin	Spears
Hill	Sulak
Lanning	Weinert
Metcalf	Winfield
Moore	

Nays—13

Brownlee	Martin
Collie	Moffett
Cotten	Nelson
Graves	Small
Head	Stone
Isbell	of Washington
Kelley	Van Zandt

Absent

Shivers

Stone
of Galveston

Absent—Excused

Lemens

Question—Shall the amendment by Senator Burns to the amendment be adopted?

Senator Moore offered the following amendment to the amendment (by Senator Burns) to the amendment (by Senator Van Zandt):

Amend the Burns amendment by striking out the words "common carriers, contract carriers and commodity carriers," and insert in lieu "common carrier pipe line."

Yeas and nays were demanded, and the vote on the amendment to the amendment to the amendment was announced: Yeas 15, nays 15.

The President voted "yea"; and the amendment to the amendment to the amendment was adopted by the following vote :

Yeas—16

Brownlee	Moffett
Collie	Moore
Cotten	Nelson
Graves	Pace
Hardin	Small
Hill	Stone
Kelley	of Galveston
Martin	Sulak

Nays—15

Aikin	Roberts
Beck	Shivers
Burns	Spears
Head	Stone
Isbell	of Washington
Lanning	Van Zandt
Metcalf	Weinert
Redditt	Winfield

Absent—Excused

Lemens

Question then recurring on the amendment as amended to the amendment, yeas and nays were demanded.

The amendment as amended to the amendment was adopted by the following vote:

Yeas—25

Aikin	Isbell
Beck	Kelley
Brownlee	Lanning
Burns	Martin
Collie	Metcalf
Cotten	Moffett
Graves	Moore
Hardin	Nelson
Hill	Pace

Shivers	Stone
Small	of Washington
Spears	Sulak
Stone	Winfield
of Galveston	

Nays—5

Head	Van Zandt
Redditt	Weinert
Roberts	

Absent—Excused

Lemens

Senator Spears offered the following amendment to the amendment:

Amend S. J. R. No. 12 by striking out of Sub-section 2 of Section 2 on page 3 the following "except on sales for industrial purposes" and all of Sub-section 4 of Section 3.

Question—Shall the amendment by Senator Spears to the amendment by Senator Van Zandt be adopted?

(Senator Redditt in the Chair.)

Senate Bill 419 on First Reading

Senator Martin, by unanimous consent, moved that the legislative rule relative to the introduction of bills after the first 60 days of the Regular Session of the Legislature be suspended to permit his introducing a general bill at this time.

The motion prevailed by the following vote:

Yeas—30

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Martin	Van Zandt
Metcalf	Weinert
Moffett	Winfield

Absent—Excused

Lemens

The following bill then was introduced, read first time, and referred to the committee indicated:

By Senator Martin:

S. B. No. 419, A bill to be entitled "An Act conferring additional powers on school districts having a relatively large percentage of delinquent taxes including power to borrow money and issue obligations secured by such taxes and to make supplementary pledges of taxes hereafter becoming delinquent to secure the release of funds for such obligations; providing that the provisions of this Act may be cumulative of all other laws, but that in the event of conflict, the provisions hereof shall prevail; enacting provisions incident to and relating to the subject; and declaring an emergency."

Referred to Committee on Education,

(President in the Chair.)

Conference Committee on House Bill 802

Senator Kelley called up from the President's table, for consideration at this time, the request of the House for a Conference Committee on H. B. No. 802.

Senator Kelley moved that the request of the House be granted.

The motion prevailed.

Accordingly, the President appointed the following conferees on the part of the Senate: Senators Kelley, Small, Brownlee, Martin and Head.

Senate Resolution 54

Senator Small offered the following resolution:

Whereas, The State of Texas has led the fight over the entire Nation to eliminate trade barriers between the States, and

Whereas, The Council of State Governments through its entire organization is making a desperate effort to eliminate said trade barriers, and

Whereas, The State of Texas has made valuable contributions through its representatives in these meetings, and

Whereas, The Council of State Governments is meeting in Chicago on April 5, 6 and 7 for the specific purpose of discussing methods of eliminating these barriers, now, therefore, be it

Resolved by the Senate of Texas, That the Lieutenant Governor ap-

point a delegate to represent the Senate of Texas at said meeting and that the necessary expenses incurred by said Senator be paid from the contingent fund.

The resolution was read; and on motion of Senator Small and by unanimous consent, it was considered at this time and was adopted.

Bills and Resolutions Signed

The President signed, in the presence of the Senate, after their captions had been read, the following enrolled bills and resolutions:

H. B. No. 701, "An Act to amend Article 1334, Revised Civil Statutes, 1925, so as to authorize facsimile signatures and seals on stock certificates signed by the transfer agent and registrar, and prescribing the conditions for the use of such facsimiles, and declaring an emergency."

H. B. No. 711, "An Act to provide a more adequate and equitable salary of County Superintendents of Public Instruction, and providing that said salary may be fixed by the County Board of Education in all of those counties of the State of Texas coming within the brackets and population figures herein named, and repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 660, "An Act providing the salary of County Superintendents of Public Instruction in certain counties, according to the last preceding Federal Census or any subsequent Federal Census, and according to area in square miles of such counties; repealing all laws and parts of laws in conflict, to the extent of the conflict only, and declaring an emergency."

H. B. No. 687, "An Act giving civil jurisdiction to the Criminal District Court of Jefferson County of suits and causes in matters of divorce, dependent and delinquent children, adoption, and habeas corpus in civil proceedings; providing for the transfer and trial of such causes and the duties of the officers of the Court; providing for the civil procedure therein in accordance with the general civil statutes and Article 2092, Revised Civil Statutes of Texas, of 1925, and providing for appeals in civil matters to the Court of Civil Appeals for the Ninth Supreme Judicial District of Texas, and declaring an emergency."

S. C. R. No. 27, Suspending that portion of the Joint Rules prohibiting consideration of Senate bills and resolutions by the Senate on Wednesday and Thursday of each week insofar as it applies to Senate Joint Resolution No. 12.

H. C. R. No. 30, Accepting a donation from the Houston Light Guard Veterans Association, Inc., of certain lots and a building located within the City of Houston, for the maintenance of a permanent armory for Company G, 143rd Infantry, Texas National Guard.

H. C. R. No. 65, Providing for correction of H. B. No. 660.

H. C. R. No. 70, Authorizing certain corrections in H. B. No. 711.

Recess

On motion of Senator Cotten, the Senate, at 12:10 o'clock p. m., took recess to 2:00 o'clock p. m. today.

Afternoon Session

The Senate met at 2:00 o'clock p. m. and was called to order by the President.

Committee Substitute for Senate Resolution 12 on Passage to Engrossment

The Senate resumed consideration of pending business, same being Committee Substitute for S. J. R. No. 12 on its passage to engrossment, with amendment by Senator Van Zandt and amendment by Senator Spears to the amendment pending.

Question—Shall the amendment to the amendment be adopted?

Pending consideration of the amendment to the amendment, Senator Pace occupied the Chair temporarily.

(President in the Chair.)

Yeas and nays were demanded on the amendment to the amendment, and it was adopted by the following vote:

Yeas—19

Beck	Hill
Burns	Isbell
Collie	Kelley
Graves	Lanning
Hardin	Lemens

Martin
Metcalf
Nelson
Shivers
Spears

Stone
of Galveston
Stone
of Washington
Sulak
Winfield

Nays—10

Aikin
Brownlee
Cotten
Moore
Pace

Redditt
Roberts
Small
Van Zandt
Weinert

Absent

Head

Moffett

Senator Van Zandt offered the following amendment to the amendment:

Amend Van Zandt amendment by amending Sub-section 6 of Section 2 by adding after the figure (5) the words and figures: "and (6)" and by striking out the word "and" between the figures (4) and (5) and renumbering Sub-section 6, 7, 8, 9, and 10 to conform with the Burns-Moore amendment.

The amendment to the amendment was adopted.

Senator Van Zandt offered the following amendment to the amendment:

Amend Van Zandt amendment by adding immediately after Section 5 the following: "The Legislature shall have authority by general law to repeal the taxing feature of Article 3, Section 51 of the Constitution of this State."

The amendment to the amendment was adopted.

Senator Hardin offered the following amendment to the amendment:

Amend Van Zandt amendment in Sub-section four (4) of Section two (2) on page three (3) by striking out the words in line four (4) of said section as follows: "fifty (50c) cents" and substitute in lieu thereof the following: "twenty-five (25c) cents."

Yeas and nays were demanded, and the amendment to the amendment was lost by the following vote:

Yeas—14

Aikin
Beck

Burns
Graves

Hardin	Roberts
Lanning	Shivers
Lemens	Stone
Martin	of Washington
Metcalfe	Weinert
Redditt	

Nays—16

Brownlee	Nelson
Collie	Pace
Cotten	Small
Head	Stone
Hill	of Galveston
Isbell	Sulak
Kelley	Van Zandt
Moffett	Winfield
Moore	

Present—Not Voting

Spears

Senator Hill offered the following amendment to the amendment:

Amend Van Zandt amendment Section 4, page 7, line 7 by substituting the word "permanent" for the word "available."

HILL,
ISELL.

Senator Burns offered the following substitute for the amendment to the amendment:

Amend the Hill amendment by inserting in lieu of "permanent school fund" the words "general revenue fund."

Yeas and nays were demanded, and the substitute for the amendment to the amendment was lost by the following vote:

Yeas—6

Burns	Shivers
Martin	Spears
Moore	Stone
	of Washington

Nays—23

Aikin	Moffett
Beck	Nelson
Brownlee	Pace
Collie	Redditt
Cotten	Roberts
Graves	Small
Hardin	Stone
Head	of Galveston
Hill	Sulak
Isbell	Van Zandt
Lanning	Weinert
Metcalfe	Winfield

Absent

Kelley	Lemens
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Question recurring on the amendment to the amendment, yeas and nays were demanded.

The amendment to the amendment was lost by the following vote:

Yeas—9

Collie	Martin
Head	Metcalfe
Hill	Nelson
Isbell	Winfield
Lanning	

Nays—20

Aikin	Roberts
Beck	Shivers
Brownlee	Small
Burns	Spears
Cotten	Stone
Graves	of Galveston
Hardin	Stone
Moffett	of Washington
Moore	Sulak
Pace	Van Zandt
Redditt	Weinert

Absent

Kelley	Lemens
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Senator Small offered the following amendment to the amendment:

Amend pending amendment by striking out all of Sections 1 to 6 inclusive and adding the following:

"That Article 3 of the Constitution of the State of Texas is hereby amended by adding thereto a section to be known as Section 51E as follows:

"Sec. 51E. The Legislature is directed to levy and provide for the collection of a tax on retail sales of personal property in an amount not to exceed two (2%) per cent of the consideration involved in any retail sale for the purpose of raising during each year the sum of One Million Three Hundred Thousand (\$1,300,000) Dollars for the payment of Confederate Pensions, the sum of Fifteen Million (\$15,000,000) Dollars for Old Age Assistance, the sum of Five Hundred Thousand (\$500,000.00) for Assistance to the Blind, the sum of One Million Five Hundred Thousand (\$1,500,000) Dollars for Assistance to Destitute Children, and the sum of Two Million Five Hundred Thousand (\$2,500,000) Dollars for Teacher Retirement as authorized in Article 3, Sections 51, 51b, 51c, 51d, and 48-A of this Constitution. After the several sums of money have been made

available to finance the functions above mentioned the Legislature shall place any balance remaining at the end of the fiscal year in the fund raised by means of the retail sales tax in the Available School Fund. The Legislature is hereby prohibited from resorting to any other source of revenue and from making any other appropriations for assistance to aged persons, assistance to the blind, assistance to destitute children, for the payment of Confederate Pensions, and for Teacher Retirement, and the power to levy ad valorem taxes for any of these purposes is expressly withdrawn."

Yeas and nays were demanded, and the amendment to the amendment was lost by the following vote:

Yeas—8

Collie	Stone
Martin	of Washington
Redditt	Weinert
Roberts	Winfield
Small	

Nays—22

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Burns	Nelson
Cotten	Pace
Graves	Shivers
Hardin	Spears
Hill	Stone
Isbell	of Galveston
Kelley	Sulak
Lanning	Van Zandt
Lemens	

Absent

Head

Senator Stone of Galveston offered the following amendment to the amendment:

Amend the substitute amendment for Senate Joint Resolution No. 12 by striking out all of sub-section (1) of Section 2 thereof and re-numbering the following sub-sections of said Section 2 accordingly.

Senator Pace moved the previous question on the pending amendments, and the motion was duly seconded.

Yeas and nays were demanded on the motion for the previous question, and the main question was ordered by the following vote:

Yeas—19

Brownlee	Pace
Burns	Redditt
Cotten	Roberts
Hardin	Shivers
Head	Small
Kelley	Spears
Lemens	Van Zandt
Martin	Weinert
Moffett	Winfield
Moore	

Nays—12

Aikin	Metcalf
Beck	Nelson
Collie	Stone
Graves	of Galveston
Hill	Stone
Isbell	of Washington
Lanning	Sulak

Question first recurring on amendment to the amendment, yeas and nays were demanded.

The amendment to the amendment was lost by the following vote:

Yeas—14

Aikin	Metcalf
Brownlee	Moore
Burns	Nelson
Graves	Shivers
Head	Stone
Hill	of Galveston
Lanning	Sulak
Lemens	

Nays—17

Beck	Redditt
Collie	Roberts
Cotten	Small
Hardin	Spears
Isbell	Stone
Kelley	of Washington
Martin	Van Zandt
Moffett	Weinert
Pace	Winfield

Question next recurring on the substitute amendment by Senator Van Zandt, as amended, yeas and nays were demanded.

The amendment as amended was lost by the following vote:

Yeas—13

Aikin	Graves
Beck	Hardin
Burns	Isbell
Cotten	Kelley

Metcalfe
Moffett
Spears

Sulak
Van Zandt

Nays—18

Brownlee
Collie
Head
Hill
Lanning
Lemens
Martin
Moore
Nelson
Pace

Redditt
Roberts
Shivers
Small
Stone
of Galveston
Stone
of Washington
Weinert
Winfield

Senator Sulak offered the following amendment to the resolution:

Amend S. J. R. No. 12 by striking out all below the resolving clause and inserting in lieu thereof the following:

"Section 1. That Section 51b of Article III of the Constitution of the State of Texas be amended so as to hereafter read as follows:

The Legislature shall, by general law provide for Old Age Pension and/or Assistance and for the payment of same not to exceed Fifteen (\$15.00) Dollars per month to actual bona fide residents of Texas who are over the age of sixty-five (65) years; provided that no habitual criminal, and no habitual drunkard while such habitual drunkard, and no inmate of any state supported institution, while such inmate, shall be eligible for such Old Age Pension and/or Assistance; provided further that the requirements for length of time of actual residence in Texas shall never be less than five (5) years during the nine (9) years immediately preceding the application for Old Age Pension and/or Assistance and continuously for one year immediately preceding such application.

The Legislature shall have the authority to accept from the Government of the United States such financial aid for Old Age Pension and/or Assistance as the Government may offer not inconsistent with the restrictions hereinbefore provided.

Sec. 2. For the purpose of paying Old Age Pension and/or Assistance there is hereby levied an occupation tax on all producers, as such term is hereinafter defined, of three cents (\$.03) per barrel for each barrel of forty-two (42) standard gallons of oil produced from any marginal well, as said term is defined in Chapter 58, page 92, of the Acts of the Forty-

second Legislature, as amended by Chapter 97, page 215, Acts of the Forty-third Legislature, and a tax of six cents (\$.06) per barrel for each barrel of forty-two (42) standard gallons of oil produced from any well in this State other than a marginal well, from which oil is produced by any method of pumping, and a tax of nine cents (\$.09) per barrel for each barrel of forty-two (42) standard gallons of oil produced from any flowing oil well in this State producing less than fifty (50) barrels of oil per day; and a tax of twelve cents (\$.12) per barrel for each barrel of forty-two (42) standard gallons of oil produced from any flowing well within this State producing more than fifty (50) barrels of oil per day; and a tax of twelve cents (\$.12) per barrel for each barrel of forty-two (42) standard gallons of oil imported into this State and thereafter sold in intrastate commerce in this State, and in case of such sale, the party making the first sale in intrastate commerce in this State shall be deemed to be the producer of such oil; and a tax of one dollar and fifty cents (\$1.50) per ton for each long ton of twenty-two hundred (2200) pounds of sulphur produced within this State, and a tax of one-cent (1c) per thousand cubic feet of sour gas produced within this State; and a tax of two cents (\$.02) per thousand cubic feet for each thousand cubic feet of sweet gas produced within this State; and a tax of one cent per thousand cubic feet for each thousand cubic feet of gas of any kind imported into this State and thereafter sold in intrastate commerce in this State; and in case of such sale, the party making the first sale in intrastate commerce within this State shall be deemed to be the producer of such gas.

Said tax shall be computed upon the total barrels of oil and/or tons of sulphur, and/or cubic feet of gas produced and/or salvage from the earth and/or waters of this State and/or imported into and sold in intrastate commerce in this State, without any deduction and all such weights and measures shall be based on the standards established by the United States Bureau of Standards, and shall be corrected both for temperature and atmospheric pressure.

Sec. 3. The tax hereby levied is an occupation tax on the occupation of producing oil and/or sulphur and/or gas, and shall be borne by

the producer of such minerals, and no part thereof shall be deducted from any royalty payments otherwise due by any producer within this State, but any purchaser of the minerals hereinafter named is hereby authorized to withhold, from any payment due said producer, any unpaid tax.

Sec. 4. The taxes herein imposed and provided when paid shall be and are hereby allocated as follows, to-wit: Seventy-five (75%) per cent to the Old Age Pension and/or Assistance fund or funds and twenty-five (25%) per cent to the available Free School Fund of this State.

All such taxes so levied, collected and allocated to Old Age Pension and/or Assistance shall constitute a special fund or funds and shall never be diverted to any other purposes than the payment of Old Age Pension and/or Assistance. All funds derived from such tax in excess of necessary costs of administration shall be distributed pro rata not exceeding Fifteen (\$15.00) Dollars per person per month to the aged of this State who meet the foregoing requirements without regard to the previous standard of living of the applicant and without regard to income or other restrictions than those herein specifically provided. The Legislature shall forthwith enact laws necessary to carry into effect the provisions of this enactment and shall set up the machinery to administer said law and shall make such appropriations out of the special fund or funds herein created as are necessary for the administration of the same.

Sec. 5. The foregoing Constitutional Amendment shall be submitted to the electors of the State of Texas at an election to be held on the _____ day of _____, A. D. 1939, at which election there shall be printed upon such ballot the following:

"FOR the amendment amending Section 51b of Article III of the Constitution of the State of Texas so as to require the Legislature to provide for a system of Old Age Pensions and/or Assistance not to exceed (\$15.00) Dollars per month per person, to accept from the Federal Government of the United States financial aid for Old Age Pensions and/or Assistance; levying an occupation tax against all persons engaged in the business of producing oil, sulphur and natural gas within this State; to establish a fund or funds for Old Age Pensions and/or Assistance and pro-

viding that same shall never be diverted, and providing for an equal distribution of such fund irrespective of previous standards of living, income or other limitations excluding from participation therein only those under the age of sixty-five (65) years, habitual drunkards, habitual criminals, inmates of a State supported institution, and those who have not resided within the State for the required period of time."

"AGAINST the amendment amending Section 51b of Article III of the Constitution of the State of Texas so as to require the Legislature to provide for a system of Old Age Pensions and/or Assistance not to exceed (\$15.00) Dollars per month per person, to accept from the Federal Government of the United States financial aid for Old Age Pensions and/or Assistance; levying an occupation tax against all persons engaged in the business of producing oil, sulphur and natural gas within this State; to establish a fund or funds for Old Age Pension and/or Assistance and providing that same shall never be diverted, and providing for an equal distribution of such funds irrespective of previous standards of living income or other limitations excluding from participation therein only those under the age of sixty-five (65) years, habitual drunkards, habitual criminals, inmates of a state supported institution, and those who have not resided within the State for the required period of time."

Sec. 6. The Governor of the State of Texas is hereby directed to issue the necessary proclamation for said election and have same printed as required by the Constitution and laws of the State of Texas.

Sec. 7. The sum of Eight Thousand (\$8,000.00) Dollars or so much thereof as may be necessary, is hereby appropriated out of the funds in the Treasury of the State, not otherwise appropriated, to pay the expenses of said publication and election.

SULAK,
HILL.

Question—Shall the amendment to the resolution be adopted?

House Bill 560 on Second Reading

On motion of Senator Kelley and by unanimous consent, the regular order of business was suspended, to

permit consideration of H. B. No. 560 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 560, A bill to be entitled "An Act amending Section 3, of Chapter 88, Acts of the Forty-first Legislature, Second Called Session, as amended by Section 1 of Chapter 3, Acts of the Forty-third Legislature, Second Called Session, as amended by Section 1 of Chapter 51, Acts of the Forty-fourth Legislature, Regular Session, so as to exempt motor vehicles, trailers and semi-trailers owned and used exclusively in the service of any water district or water control and improvement district from the payment of license or registration fees to the State of Texas; repealing all laws in conflict, and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 560 on Third Reading

Senator Kelley moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 560 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time.

The Senate refused to pass the bill by the following vote:

Yeas—12

Aikin	Nelson
Beck	Spears
Collie	Stone
Kelley	of Galveston
Lanning	Sulak
Martin	Winfield
Moore	

Nays—18

Brownlee	Moffett
Burns	Pace
Cotten	Redditt
Graves	Roberts
Hardin	Shivers
Head	Small
Hill	Stone
Isbell	of Washington
Lemens	Van Zandt
Metcalf	Weinert

Senator Metcalfe moved to reconsider the vote by which the Senate refused to pass the bill.

Senator Hill moved to table the motion to reconsider.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—16

Burns	Redditt
Cotten	Roberts
Hardin	Shivers
Head	Small
Hill	Stone
Isbell	of Washington
Lemens	Van Zandt
Moffett	Weinert
Pace	

Nays—15

Aikin	Metcalf
Beck	Moore
Brownlee	Nelson
Collie	Spears
Graves	Stone
Kelley	of Galveston
Lanning	Sulak
Martin	Winfield

Reports of Standing Committees

Senator Brownlee, by unanimous consent, submitted at this time the following reports of the Committee on Highways and Motor Traffic:

Austin, Texas,
March 29, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on High-

ways and Motor Traffic, to whom was referred

H. B. No. 560, A bill to be entitled "An Act amending Section 3 of Chapter 88, Acts of the Forty-first Legislature, Second Called Session, as amended by Section 1 of Chapter 3, Acts of the Forty-third Legislature, Second Called Session, as amended by Section 1 of Chapter 51, Acts of the Forty-fourth Legislature, Regular Session, so as to exempt motor vehicles, trailers and semi-trailers, owned and used exclusively in the service of any water district or water control and improvement district from the payment of license or registration fees to the State of Texas; repealing all laws in conflict; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

BROWNLEE, Chairman.

Austin, Texas,
March 29, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

S. B. No. 293, A bill to be entitled "An Act authorizing the State Highway Commission to issue a third number plate, tag, sticker, or device, to certain motor vehicles, and authorizing the Commission to make rules and regulations governing the manner, time, and location that such plates, tags, stickers, or devices, be attached to such vehicles; providing for the purchase of same out of the funds of the State Highway Department, and the distribution of same by the tax assessor and collector and/or tax collectors of the various counties; providing the violation of such rules and regulations be a misdemeanor, and providing the penalty therefor; repealing all laws or parts of laws in conflict herewith, and declaring an emergency and providing the Act shall take effect from and after its passage."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recom-

mendation that it do pass and be printed.

BROWNLEE, Chairman.

Senator Moore, by unanimous consent, submitted at this time the following report of the Committee on Game and Fish:

Austin, Texas,
March 29, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

S. B. No. 418, A bill to be entitled "An Act authorizing the Game, Fish, and Oyster Commission to acquire by purchase lands, water rights, easements, right of ways and property of any person in this State; providing for the acquiring of lands, water rights, easements, right of ways and property of any person or corporation by condemnation proceedings; providing the manner and method of such condemnation proceedings; providing for the payment of damages and costs, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOORE, Chairman.

Senator Stone of Washington, by unanimous consent, submitted at this time the following report of the Committee on Public Health:

Austin, Texas,
March 29, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred

S. B. No. 100 by Small, A bill to be entitled "An Act to regulate the occupation of hairdressers and cosmetologists, to create a State Board of Examiners for licensing of persons to carry on and to teach such practices,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recom-

mendation that the original bill do not pass, but that the Committee Substitute, in lieu of the original bill, do pass and be printed.

STONE of Washington,
Chairman.

House Concurrent Resolutions Referred

The following resolutions, previously received from the House, were laid before the Senate, read severally, and referred to the committees indicated:

H. C. R. No. 71, to Committee on Agriculture.

H. C. R. No. 69, to Committee on State Affairs.

H. C. R. No. 58, to Committee on Civil Jurisprudence.

House Bills on First Reading

The following bills, previously received from the House, were laid before the Senate, read severally first time, and referred to the committees indicated:

H. B. No. 231, to Committee on Commerce and Manufactures.

H. B. No. 851, to Committee on Mining, Irrigation and Drainage.

Bill Re-referred

Senator Moore moved to re-refer H. B. No. 231 from the Committee on Commerce and Manufactures to the Committee on State Affairs.

Senator Burns moved the previous question on the motion to re-refer, and the motion for the previous question was duly seconded.

Yeas and nays were demanded on the motion for the previous question, and the Senate refused to order the main question at this time by the following vote:

Yeas—12

Brownlee	Roberts
Burns	Small
Cotten	Stone
Lemens	of Washington
Martin	Van Zandt
Moore	Weinert
Redditt	

Nays—17

Aikin	Hill
Collie	Isbell
Graves	Kelley
Hardin	Lanning
Head	Metcalf

Moffett
Nelson
Pace
Shivers

Spears
Stone
of Galveston
Sulak

Absent

Beck

Winfield

Question recurring on the motion to re-refer, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—15

Aikin	Roberts
Burns	Shivers
Collie	Small
Cotten	Stone
Lemens	of Washington
Moore	Van Zandt
Pace	Weinert
Redditt	Winfield

Nays—13

Brownlee	Martin
Graves	Metcalf
Hardin	Nelson
Hill	Spears
Isbell	Stone
Kelley	of Galveston
Lanning	Sulak

Absent

Beck
Head

Moffett

Recess

On motion of Senator Cotten, the Senate, at 5:40 o'clock p. m., took recess to 10:00 o'clock a. m. tomorrow.

APPENDIX

Reports of Committees on Engrossed and Enrolled Bills

Austin, Texas,
March 29, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 27 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston,
Chairman.

Austin, Texas,
March 27, 1939.

Hon. Coke R. Stevenson, President of
the Senate.

Sir: We, your Committee on En-
grossed Bills, have had S. B. No. 264
carefully examined, compared and
read, and find same correctly en-
grossed.

LANNING, Chairman.

Austin, Texas,
March 27, 1939.

Hon. Coke R. Stevenson, President of
the Senate.

Sir: We, your Committee on En-
grossed Bills, have had S. B. No. 263
carefully examined, compared and
read, and find same correctly en-
grossed.

LANNING, Chairman.

In Memory of Hon. W. W. Turney

Senator Winfield asked for recognition to read a memorial in tribute to the life and works of Hon. W. W. Turney.

Accordingly, the President recognized him for that purpose, and he read to the Senate the following memorial:

Mr. President: I rise this morning to respond to the painful duty of memorializing the death of a former member of this body, and at the same time with the cherished privilege of paying my small tribute to his life and works.

On March 23rd, at El Paso, the Honorable W. W. Turney, lawyer, statesman, cattle-raiser and pioneer of the western section of our state, passed from earth.

William Ward Turney rode west on horseback in 1886 and located first at Fort Davis, then a frontier village in the rude civilization of that day. He taught school and drove the United States mail. When Brewster County was organized in 1887 he became its first County Attorney.

He was elected to the Texas House of Representatives in 1892, re-elected in 1894. And in 1896 he was elected to the Texas Senate from the Twenty-ninth District, which I now have the honor of serving. His tenure in that office was continuous until 1902, when he voluntarily retired and entered the practice of law at El Paso.

Senator Turney served as President of the Texas and Southwestern Cattle Raisers Association and as an executive of the American Livestock Association. His interests were varied and as a developer of the cattle industry in West Texas he added greatly to the wealth and resources of that section.

His services in this body and in the House were outstanding. Always he stood for progress, and his voice was lifted fearlessly in behalf of the right and in condemnation of the wrong.

His was a growing mind. He had commerce with far horizons. He saw with a clear vision where others often failed. His thoughts reached out to larger, freer, broader considerations than those of his day. He believed that back in the consciousness of the people there exist level-headedness and a sense of fairness. He maintained that it was the dynamic of business and labor that developed this America of ours; that here, labor, initiative, invention, and human genius had together built cities, farms, homes, and great industries, creating a standard that the world might admire and a society where there were no ranks and castes.

William Ward Turney lived the good life and wrought well. His accomplishments were broad and his services in public and private life were many. But it is perhaps for the things of the spirit and for the true fineness of his character that he will be loved most and remembered best. I say this because—

In his personal relations he was always the loyal friend, the kindly tolerant spirit—

“Large was his bounty and his soul sincere.”

He was warm and human. He was considerate and fair. There was something about him that caused, in men with whom he came in intimate contact, the hardness to vanish, the cynicism and pettiness to depart. And in their place he instilled sentiments of justice and reason, sympathy and love. He plucked the thorns of spite and unreason from many a soul and planted within it the flowers of kindness, trust and faith.

He had passed by seven years the allotted three score years and ten when, the sunrise of a spring morning in the West, his spirit fled from this sphere and soared to those regions of light and happiness that are waiting for the good and the brave of this earth.

In the Apocrypha we find the statement:

“Weep but a little for the
dead for he is at rest.”

And as we commemorate this morning the noble life and manifold activities of our friend and former colleague, may this be our thought and our consolation.

On motion of Senator Small and by unanimous consent, the memorial was ordered printed in the Journal.